IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

NORRILD ET AL. Atty. Ref.: 141-451; Confirmation No. 7176

Appl. No. 10/582,794 TC/A.U. 1651

Filed: October 31, 2006 Examiner: Hanley

For: REAGENT FOR DETECTING AN ANALYTE

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July 13, 2009

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

This is responsive to the Official Action of June 19, 2009 in which restriction and election of species has been raised in the revised version from that set out in the Official Action of March 12, 2009.

Applicants elect Group I, the reagent claims 33 to 54 with traverse, as applicants submit that dependent claim 64 also forms part of Group I. Applicants also request that the other claims be rejoined in due course.

In answer to the examiner's request to elect values for R^1 to R^{15} (top of page 4), these values were indicated in the sketch forming part of the previous response. The values are as follows:

R^1, $R^2 = NMe_2$

R^3 = attached to a linker structure, $N(Me)(CH_2)_3(C=O)$-link to aminodextran

R^4-R^9 = H

R^{10}-R^{15} = OMe

In answer to the examiner's request to elect whether the energy acceptor and energy donor are linked together by a covalent bond or non-covalent binding (top of page 5), in the specific claimed species identified the energy acceptor and energy donor are linked by non-covalent binding. This is clear from the absence of any indication of a covalent bond between the energy acceptor and energy donor in the referenced sketch, and the fact that applicants indicated that the species fell within the scope of claims 37 to 41, requiring non-covalent binding.

In answer to the examiner's request to elect whether analyte analogue is a glucose analogue or dextran (bottom of page 6), the analyte analogue is aminodextran i.e. a dextran. This was also indicated in the sketch forming part of the previous response. The previous response also indicated that the species fell within the scope of claim 41, requiring that the analyte analogue is dextran. Counsel notes that the examiner's question request seems to be based on a false assumption. Dextran is not an alternative to a glucose analogue but is an example of a glucose analogue. This is clear for example from the dependency of claim 41 on claim 40.

In answer to the examiner's request to elect the presence or absence of a linker and to select the combination of linker element and partner (bottom of page 7), a linker is present. The linker $(N(Me)(CH_2)_3(C=O)-)$ is identified in the sketch forming part of the previous response. The linker is formed by the reaction of the succinimidyl active ester (linker element) in HMCV-1 (page 20 of application) with the polysaccharide aminodextran (reaction partner) (page 27 of application).

An examination on the merits is awaited taking into account the documents, including copies, submitted with the supplemental Information Disclosure Statement of March 27, 2009.

Respectfully submitted,

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